

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**GARY J. LYON and
JEANNE G. LYON,**

Plaintiffs,

v.

No. 12-cv-0348 WJ/SMV

ESTEBAN A. AGUILAR, SR.

Defendant.

ORDER DENYING MOTION FOR RECORDS

THIS MATTER is before the Court on pro se Plaintiffs/Appellants' Motion Requesting Court Order for Record on Appeal Documents Pursuant to Fed. R. Bankr. [P.] Rule 8007(c) [Doc. 2] ("Motion"), filed April 18, 2012. Defendant/Appellee responded in opposition on April 27, 2012. Appellee's Response to Appellants' Motion Requesting Court Order for Record on Appeal Documents Pursuant to Fed. R. Bankr. P. Rule 8007(c) [Doc. 3] ("Response"). Plaintiffs/Appellants replied on April 30, 2012. Appellants' Reply to Appellee's Response to Appellants' Motion Requesting Court Order For Record on Appeal Documents Pursuant to Fed. R. Bankr. P. Rule 8007(c) [Doc. 4] ("Reply"). Because action by this Court is unnecessary for Plaintiffs/Appellants to achieve the relief sought, the Motion will be DENIED.

Plaintiffs/Appellants request that this Court order the bankruptcy court clerk to transmit certain records to this Court's docket because Plaintiffs/Appellants believe that the records will be "needed to support [a] motion" that they intend to file. Motion [Doc. 2] at 1; *see* Reply [Doc. 4] at 1. Defendant/Appellee opposes the Motion as unnecessary. Response [Doc. 3] at 1–2. The Court agrees. If Plaintiffs/Appellants wish for portions of the bankruptcy record to be transmitted to the

district court's docket, they should request such transmission from the clerk of the bankruptcy court. See Fed. R. Bankr. P. 8007(c). There is no indication in the record that Plaintiffs/Appellants have made any request to the clerk of the bankruptcy court, and accordingly, an order from this Court is unnecessary.

IT IS THEREFORE ORDERED that Plaintiffs/Appellants' Motion Requesting Court Order for Record on Appeal Documents Pursuant to Fed. R. Bankr. [P.] Rule 8007(c) [Doc. 2] is **DENIED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge